**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(*Special Original Jurisdiction*)

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TUESDAY, THE TWENTY FOURTH DAY OF JANUARY

TWO THOUSAND AND SIX

P R E S E N T

**THE HON'BLE SRI JUSTICE V.ESWARAIAH**

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WP.No.1072 OF 2006

**Between:**

S.Rajagopal Reddy … Petitioner

**Versus**

The Joint Collector,

Prakasam district, Ongole & Ors. … Respondents

Counsel for the Petitioner: Mr. I.GOPALA REDDY

Counsel for the Respondents: GP for Civil Supplies

O R D E R :

This writ petition is filed to declare the action of the second respondent in Proceedings Rc.No.C/1757/2005, dated 17-12-2005 suspending the authorisation of the petitioner as fair price shop dealer of Kondamuru village, J.Pangulur Revenue Mandal, Prakasam district, as illegal, arbitrary and in violation of the principles of

natural justice and Article 19 (1) (g) and 21 of the Constitution of India and also in violation of AP State PDS Control Order, 2001 and set aside the same.

The petitioner questions the Proceedings of the second respondent-Revenue Divisional Officer, Ongole, dated 17-12-2005 in suspending the authorisation of the fair price shop dealership of the petitioner in respect of Kondamuru village of J.Pangulur Revenue Mandal, Prakasam district on the ground that the third respondent-Mandal Revenue Officer, J.Pangulur Revenue Mandal, along with Food Inspector, Addanki has inspected the fair price shop of the petitioner on 6-12-2005 and found the following irregularities:-

1. *On physical verification with reference to sales and stock registers with ground stock, there is variation of 44 litres of kerosene oil found variation and it presumed that the stock diverted to black-market.*

2. *The dealer has made entries in the sales register without signatures and thumb impression of the cardholders with an intention to divert the same to black-market.*

3. *The dealer has not maintained the records properly that the entries made in the register without mentioning the quantities and rates.*

While things stood thus, the petitioner submitted his detailed explanation to the second respondent for all the above three charges. Without considering the explanation of the petitioner and without affording any opportunity, it has been stated that the explanation of the petitioner is not convincing and it is a case of contravention of A.P. State PDS (Control) Order, 2001. As against the said order, the

petitioner filed an appeal under clause 20 of A.P. Public Distribution System Control Order, 2001 before the Joint Collector along with stay application on 23-12-2005 but the same is pending consideration before the Joint Collector, Prakasam district. If that be so, there is no justification for not disposing the stay application.

As appeal is filed before the Joint Collector, Prakasam district, at this stage, I am not inclined to express any opinion on the merits of the case in suspending authorization of the petitioner, pending enquiry.

Having regard to the facts and circumstances of the case, I deem it appropriate to direct the appellate authority – Joint Collector, Ongole, Prakasam district to dispose of the appeal filed by the petitioner, as expeditiously as possible, preferably within four weeks, from the date of receipt of a copy of this order and till then the suspension order passed by the Revenue Divisional Officer, pending enquiry, stands stayed. However, the Revenue Divisional Officer, Ongole, Prakasam district, shall complete the enquiry and pass final order within six weeks from the date of receipt of a copy of this order, irrespective of pendency of the appeal.

With the above direction, this writ petition is disposed of at the admission stage. No costs.

JANUARY 24th, 2005. ----------

I s L. V. ESWARAIAH, J.